

STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Correction of Decision No. 79034

Under the Findings of Fact and Rulings of Law, first paragraph:

"The Board found in its Decision No. 79034..."

should read Decision No. 79035.

STATE OF NEW HAMPSHIRE

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

IN RE:	:	CASE NO. U-0608
PETITION FOR DECERTIFICATION	:	
KEENE STATE COLLEGE OPERATING STAFF	:	DECISION NO. 79034
	:	

APPEARANCES

Representing the State Employees' Association of New Hampshire, Inc.:

Linda Murtha, Esquire, Counsel
Richard E. Molan, Esquire, Assistant Exec. Director

Representing the Keene State College Employees petitioning for Decertification:

Lois Jefferson

Representing Keene State College of the University System of New Hampshire:

Nicholas DiGiovanni, Jr., Esquire, Counsel
Gary Wulf, Executive Director, Resources Administration

BACKGROUND

This case involves a petition for a decertification election brought by certain employees in the operating staff unit at Keene State College, currently represented by the State Employees' Association of New Hampshire, Inc. Sufficient cards and a petition conforming to the requirements of the Board rules have been received by the Board. The State Employees' Association of New Hampshire, Inc. has made a motion to stay consideration of the decertification petition and to delay the election based on certain unfair labor practice charges brought against Keene State College (see Decision No. 79035 dated November 7, 1979). A hearing was held at the Board offices on October 31, 1979. At the hearing, the Board allowed a motion by the representatives of Keene State College to participate in the hearing based on the fact that the stay was requested alleging certain actions by the college administration.

FINDINGS OF FACT
AND RULINGS OF LAW

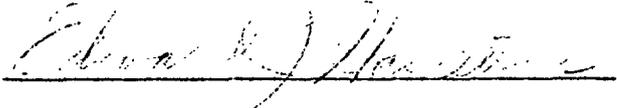
The Board found in its Decision No. 79034 issued today that there was insufficient evidence to sustain unfair labor practice complaints against Keene State College. These unfair labor complaints and a ruling on them was the basis for the motion to stay consideration of the decertification petition. There is no allegation in this case that the decertification petition is a result of management action as was the allegation in a similar situation at Plymouth State College (see PELRB Decisions 79009, 79010, and 79025). As this Board has stated in those and other decisions, the Board is reluctant to deny employees the right to an election absent clear and convincing evidence that the circumstances surrounding an election are improper. Having denied the finding

of unfair labor practice requested by the SEA against Keene State College, and finding no reason to deny employees their rights to an election to consider whether they wish to be represented by the SEA or select the option of "no representative", the Board denies the motion for stay. Nothing in this denial shall relieve the college or the SEA of their obligations under the law concerning factfinding in the negotiating process currently underway for a new contract. The Board also notes its definition of the role of management in decertification elections as stated in the Plymouth State College Decision No. 79009.

ORDER

The Board issues the following order:

1. The motion for stay of election is denied.
2. The Board staff will schedule a pre-election conference and election according the Board procedures.



EDWARD J. HASELTINE, CHAIRMAN
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Signed this 13th day of November, 1979.

Chairman Edward Haseltine presiding. Members Moriarty and Cummings present and voting. All concurred. Board Clerk Evelyn LeBrun and Counsel Bradford Cook also present.